

RCE for COLLISION AVOIDANCE SYSTEM (Reissue) Serial # 09/892,185 GAU 3661 Examiner Eric M. Gibson
Applicant Brett O. Hall 4206 Lazy Creek Dr. Marietta, GA 30066 770-517-5991

FAX COVER

In the United States Patent and Trademark Office

Serial Number: 09/892,185
Application Filed: June 26, 2001
Applicant: Brett O. Hall
Application Title: COLLISION AVOIDANCE SYSTEM (Reissue Application)
Examiner / GAU: Eric M. Gibson / 3661 at phone # 703-306-4545
Faxed To: 703-872-9327; Tech Center 3600
Date: June 26, 2002
Enclosed Pages: 19

Assistant Commissioner for Patents
Washington, DC 20231

Official

Sir:

This correspondence is a Request for Continued Examination (RCE). Enclosed is the following:

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Fax Cover (this page)	1
RCE form SB30	1
Fee Transmittal form SB17	1
Reissue Application Fee Form SB 56	1
Page 2 of Reissue Declaration form SB51	1
Certificate of Correction form SB44	1
Credit Card Payment form PTO-2038	1
Remarks - Argument Regarding Recapture	4
Modified Claims	7
Status of reissue claims	1
Total	19 pages

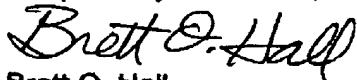
FAX RECEIVED

JUN 26 2002

GROUP 3600

Please address any questions to the applicant as indicated below.

Respectfully Submitted,



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PTO/SB/58 (02-01)

Approved for use through 01/31/2004. OMB 0851-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional)	
Claims as Filed - Part 1							
Claims In Patent	Number Filed In Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
			Rate	Fee		Rate	Fee
(A) Total Claims (37 CFR 1.16(j))	(B)	**** =	x \$ _____ =		or	x \$ _____ =	
(C) Independent claims (37 CFR 1.18(i))	(D)	• =	x \$ _____ =			x \$ _____ =	
Basic Fee (37 CFR 1.16(h))				\$ _____			\$ _____
Total Filing Fee				\$ _____		OR	\$ _____
Claims as Amended - Part 2							
(1) Claims Remaining After Amendment	(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity		
			Rate	Fee		Rate	Fee
Total Claims (37 CFR 1.16(j))	*** 26 MINUS ** 23	* = 3	x \$ 9 =	27	or	x \$ _____ =	
Independent Claims (37 CFR 1.18(i))	*** 6 MINUS ***** 3	= 3	x \$ 42 =	126		x \$ _____ =	
Total Additional Fee				\$ 153		OR	\$ _____
<p>* If the entry in (D) is less than the entry in (C), write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing / additional fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p style="text-align: center;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p><u>6-26-02</u> Date</p> </div> <div style="width: 45%; text-align: right;"> <p><u>Brett O. Hall</u> Signature of Applicant, Attorney or Agent of Record</p> <p><u>Brett O. Hall</u> Typed or printed name</p> </div> </div>							

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) None Registration Number _____

Correspondence Address: Direct all communications about the application to:



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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Brett O. Hall

Inventor's signature

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June 25, 2001

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Inventor's signature

Date

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Full name of third joint inventor (given name, family name)

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Inventor's signature

Date

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Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

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PTO/SB/44 (02-01)

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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,223,125 B1
DATED : April 24, 2001
INVENTOR(S) : Brett D. Hall

It is certified that error appears in the above-identified patent and that said Letters Patent
is hereby corrected as shown below:

Column 24, line 38, claim 7: The word "Boss" appears but is
not part of the original submitted documents. Please remove
"Boss".

Column 6, line 25, replace "Avoidanee" with
--Avoidance--

MAILING ADDRESS OF SENDER:

Brett A Hall
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PATENT NO. _____

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RCE f r COLLISION AVOIDANCE SYSTEM (Reissue) Serial # 09/892,185 GAU 3681 Examiner Eric M. Gibson
Applicant Brett O. Hall 4206 Lazy Creek Dr. Marietta, GA 30066 770-517-5991

REMARKS

ARGUMENT REGARDING RECAPTURE

This correspondence continues the Applicant's request to broaden the claims from "a plurality of vehicle restrictors..." to "at least one vehicle restrictor ...". The Examiner previously rejected the change, citing that the Applicant surrendered the use of a single vehicle restrictor in the arguments of the original application. This argument will demonstrate the contrary, as supported by statements that were made as a matter of record.

Why the Original Claims Were Changed

As related to this correspondence, the first prosecution of the original application was intended to address two separate issues: the erroneous claims and overcoming prior art. The intent regarding the claims was to correct the extreme number of formal errors and respond to the charges of vagueness and indefiniteness. The strategy to accomplish this was to give the claims some type of structure and a logical flow. Since virtually every claim was found to be vague, indefinite, and formally deficient they were cancelled rather than to create confusion through a horrendous editing exercise.

Overcoming Prior Art

The strategy for overcoming prior art was addressed with the arguments. The Welford invention was directed toward a specific design for a retractable speed bump. The Cesari invention was directed toward collecting traffic statistics. Neither suggested using any form of the other. The intended strategy to overcome prior art was simply to emphasize that the configuration of prior art (singularly or in combination) did not support collision prevention, even with a single vehicle restrictor. Admittedly, a better set of claims at the onset would have highlighted this fact and kept the Applicant's two strategies clear.

The Misunderstanding Regarding the Invention Scope

The Applicant seeks to correct the misunderstanding regarding the invention by demonstrating that collision prevention between a plurality of vehicles can be accomplished with a single vehicle restrictor. This misunderstanding forms the initial basis of the Examiner's rejection to broaden the claims to, "at least one vehicle restrictor ...". In the last sentence of page 4 of the final rejection, the Examiner comments:

*"... it is argued as distinguishable over the prior art because of the ability to restrict **"a plurality"** [emphasis Applicant's] of vehicles (pages 9-10)."*

The emphasis of the Applicant's argument was not the restriction of a plurality of vehicles but rather the prevention of collisions between a plurality of vehicles. By stating **"the ability to restrict a plurality ... of vehicles"** rather than the ability to prevent collisions between a plurality of vehicles, the Examiner assumes that collision prevention between a plurality of vehicles **must always** require a plurality of vehicle restrictors. However, Fig. 9 and Fig. 11 of the original application clearly show that assumption to be incorrect. Restriction of a vehicle by a **single vehicle restrictor** (item 20) is used to prevent a collision between a **plurality of vehicles**. These are at

Argument Regarding Recapture

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RCE for COLLISION AVOIDANCE SYSTEM (Reissue) Serial # 09/892,185 GAU 3661 Examiner Eric M. Gibson
Applicant Brett O. Hall 4206 Lazy Creek Dr. Marietta, GA 30066 770-517-5991

least two examples that prove collision prevention between a plurality of vehicles can be accomplished with a single vehicle restrictor.

Clarification Regarding the Arguments to Define Over Prior Art
First Matter Of Record Statement

The Applicant also seeks to correct the misunderstanding regarding efforts to define over prior art by demonstrating that he also provided for the use of "at least one vehicle restrictor..." in the arguments. What must be considered is whether or not the Applicant's comments during prosecution of the original application in any way provides for the use of a single vehicle restrictor in distinguishing over prior art. It is the Applicant's position that such a provision was made on the last sentence of the first paragraph of page 10 of the correspondence dated August 7, 2000. Said sentence (which is a matter of record) is:

*"Unlike the cited prior art, the claimed invention operates to proactively avoid vehicle-related collisions before they occur, regardless of whether the selectively controlled vehicle is speeding or not, **between a plurality of vehicles or between a vehicle, person, and/or train.**"*

Thus if the Applicant can show that this matter of record statement at all supports the use of a single vehicle restrictor in preventing collisions then the Applicant has not surrendered such usage and is entitled to the broadest claim language. The following two points support the interpretation of the matter of record statement using a **single** vehicle restrictor:

- 1) As shown above using Fig. 9 and Fig. 11, collision prevention **between a plurality of vehicles** can be accomplished with at least one vehicle restrictor. Thus the matter of record statement and these two examples are mutually supporting.
- 2) The second part of the matter of record statement further discusses that collision prevention is accomplished "**between a vehicle**", which again can be accomplished with a (as in one) vehicle restrictor. This gives further support to the request to broaden claims to, "at least one vehicle restrictor..."

Second Matter Of Record Statement

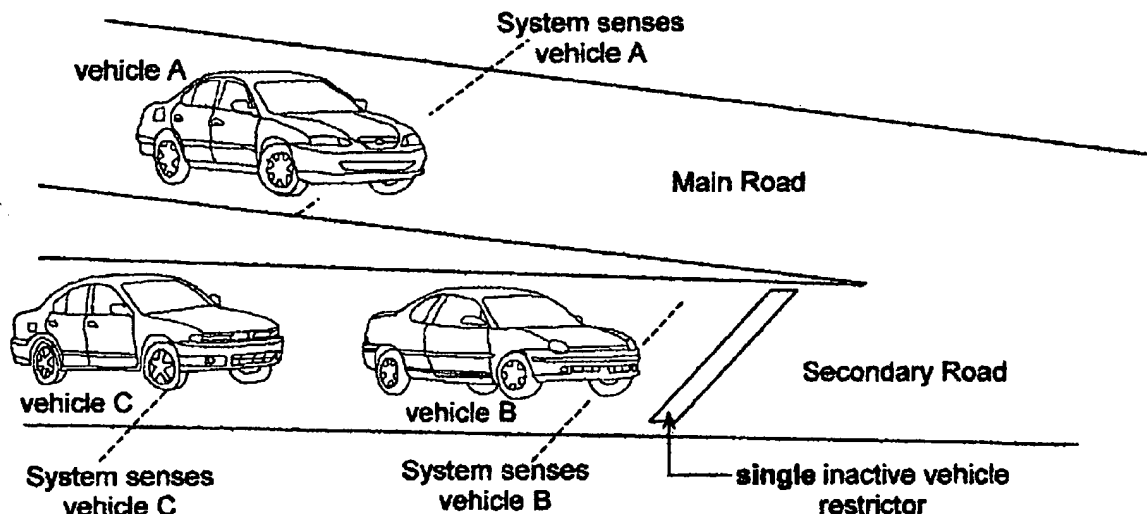
A second matter of record statement is also shown to support the Applicant's request. Said statement is within the second paragraph on page 10 of the same correspondence as the first matter of record statement. The second matter of record statement is:

*"... sensing the presence, position, speed, or direction of a **plurality of vehicles**, ... for determining beforehand the likelihood of a collision between the sensed vehicles ... and for determining which vehicle should be slowed or stopped in light of the sensed vehicle conditions and the and the local traffic laws ..."*

The example depicted in Fig. A1 is a configuration of the invention, comprising components described in the original application.

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Fig. A1



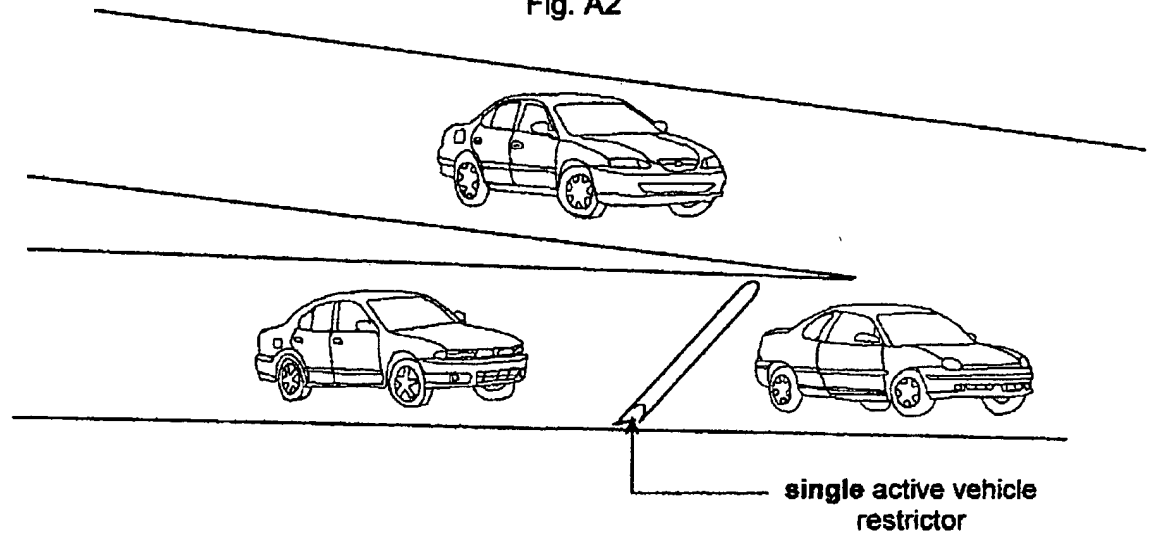
Consider the analysis of depicted example in light of the second matter of record statement.

Second Matter of Record Statement	Compliance with Second Matter of Record Statement
"... sensing the presence, position, speed, or direction of a plurality of vehicles ...	A plurality of vehicles (vehicles A,B, C) are sensed
...for determining beforehand the likelihood of a collision between the sensed vehicles ...	The system determines that the likelihood of a collision between vehicles A and B is low but the likelihood of a collision between vehicles A and C is high
... and for determining which vehicle should be slowed or stopped in light of the sensed vehicle conditions and the and the local traffic laws ...	In determining which vehicle should be slowed or stopped ... in order to prevent the collision with vehicle A, the system does not restrict vehicle B but does restrict vehicle C. Since vehicle A is on the Main Road it has the right-of-way according to the local traffic laws and thus is not a vehicle to be restricted.

In concluding this example, a single vehicle restrictor is once again shown to prevent collisions between a plurality of vehicles. Thus the second matter of record statement also comprises the use of a single vehicle restrictor to prevent a collision between a plurality of vehicles.

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Fig. A2



Consideration of the TOTAL Argument

It is the Applicant's position that the **total** argument presented in overcoming prior art has not been fully considered. The first matter of record statement was not previously discussed. The second matter of record statement was considered by the Examiner to be only applicable for multiple vehicle restrictors. **Both matter of record statements have been shown to also include the use of a single vehicle restrictor.** Consequently, the Applicant did not surrender such usage in defining over prior art.

Thus the argument presented in prosecuting the original application describes a range of vehicle restrictor usage, from as many as a "plurality" to as few as "one". The Applicant has a right to the claims that most broadly covers the entire scope of the invention and still avoids prior art. The claim language that best provides such coverage is "**at least one vehicle restrictor...**" Therefore, the Applicant respectfully asks that the request to broaden the claims accordingly be reconsidered and allowed.